

Top 10 Myths and Misunderstandings in D.C. Family Law

MYTHS:

TRUTHS:

1. *If you were married in DC, your divorce must be filed in DC.*

Where you were married is not at all relevant to where you can get divorced; where you live is most important. If you or your spouse has been a resident of DC for over 6 months, you can file for divorce in DC.

2. *It's always a good idea to file for custody before the other parent does. It gives you the upper hand.*

The person who files for custody first (Plaintiff) has equal rights to the person who responds to the custody complaint (Defendant).

3. *If you have lived with your girlfriend/boyfriend in DC for over 7 years, you're married by Common Law!*

Common Law Marriage does exist in DC, but it is not based on the length of time a couple lives together.

4. *A parent who is not paying support has no right to see his/her child.*

Visitation rights are not linked to a parent's payment or non-payment of child support.

5. *If you pay child support in DC, then DC is the place to file your visitation case also.*

The court which handles a child support case is **NOT necessarily the proper court to handle a visitation or custody case.**

6. *If you've been married for less than 6 months, you can get an annulment – no problem!*

Annulments are extremely rare, extremely hard to obtain and are **NOT based on the amount of time you've been married.**

7. *You can get a faster divorce if you can prove that you were abandoned or that your spouse cheated on you.*

Neither abandonment nor adultery will speed up the divorce process. In fact, unless there is an issue of property or alimony in your divorce, neither abandonment nor adultery are relevant to your case.

8. *If you have a child support order from DC, any request to change the amount of support will always be in DC, no matter where you or the other party lives.*

DC will retain the ability to modify the order so long as at least one of the parties still lives here. If both parties have left DC, this Court loses jurisdiction of the case (unless the parties agree to keep it in DC).

9. *If the Defendant is in jail, he/she can be served by certified mail.*

You **CANNOT serve a person in jail using certified mail. Contact the sheriff's department in the county in which the prison is located and, for a fee, they will arrange service for you. If the Defendant is in DC Jail, contact the jail directly.**

10. *Your child support order automatically stops when you go to jail and no arrears will add up while you are there.*

The child support order remains active and arrears will continue to add up while you are in jail. To suspend the order, you must file a motion to suspend with the court. The court can suspend your child support order as of the date that you file your motion, but you will continue to owe any arrears that added up before that time unless they are forgiven by the person to whom they are owed.

